

**MINUTES**  
**SAN DIEGO COUNTY PLANNING COMMISSION**  
**Workshop – May 30, 2008**  
**DPLU Hearing Room, 9:00 a.m.**

The meeting convened at 9:03 a.m., recessed at 10:10 a.m., reconvened at 10:35 a.m. and adjourned at 12:10 p.m.

**A. ROLL CALL**

**Commissioners Present:** Beck, Brooks, Day (out at 11:38 a.m.), Kreitzer, Pallinger, Riess, Woods (out at 11:28 a.m.)

**Commissioners Absent:** None

**Advisors Present:** Anzures (OCC); Brazell (DPW)

**Staff Present:** Beddow, Bennett, Carmichael, Elias, Farace, Gibson, Giffen, Lardy, Murphy, Muto, Ramaiya, Sheredy, Jones (recording secretary)

**B. Statement of Planning Commission's Proceedings, Approval of Minutes for the Meeting of March 21, April 4, April 18, May 2 and May 16, 2008**

**Action:** Beck - Day

Approve the Minutes of March 21, April 4, April 18, May 2 and May 16, 2008, to reflect that mitigation requirements for the Lake Jennings Village project (Item 1 on the May 16, 2008 Agenda, GPA 05-005, R05-013, TTM 5444 and S05-047) will include permanent control of all invasive plant species in the Creek behind the project, and maintaining 25' of native grassland in perpetuity.

Ayes: 7 - Beck, Brooks, Day, Kreitzer, Pallinger, Riess, Woods  
Noes: 0 - None  
Abstain: 0 - None  
Absent: 0 - None

**C. Public Communication:** Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's jurisdiction but not an item on today's Agenda.

None.

**D. Announcement of Handout Materials Related to Today's Agenda Items**

**E. Requests for Continuance**

**F. Formation of Consent Calendar**

**SP 04-004, TM 5373RPL<sup>4</sup>,  
P04-023, Agenda Item 1:**

1. **Mesquite Trails Specific Plan (SP) 04-004, Tentative Map (TM) 5373RPL<sup>4</sup>, and Major Use Permit P04-023, Borrego Springs Community Plan Area** (continued from the meeting of May 16, 2008)

Proposed subdivision of a 309.51-acre site in Borrego into 480 recreational vehicle lots, 26 recreation or open space lots, 2 undeveloped open space lots, and 7 roads. The project site is located east of Borrego Valley Road, at the intersection of Tilting "T" Drive. The site is subject to the CT – Country Town General Plan Regional Category, the (21) Specific Plan Land Use Designation (21), and is zoned S-88, Specific Plan. There is one point of access to the project site from Borrego Valley Road at the center of the project and one emergency access road from Borrego Valley Road located at the southernmost portion of the site. The Major Use Permit will allow establishment of a recreational vehicle development with onsite recreation facilities, landscaping features, perimeter and interior setbacks, and will set forth a typical layout of the individual spaces. The Tentative Map will allow creation of the lots for the subdivision.

**Staff Presentation:** Sheredy

**Proponents:** 2; **Opponents:** 0

**Discussion:**

At their May 16, 2008 hearing, the Planning Commission continued consideration of this Item to allow further discussion on this project's potential impacts on the Borrego Springs aquifer, as well as whether the proposed project should meet today's environmental standards or those in place in 1994 when the EIR was circulated.

Staff acknowledges that the project will utilize water from the Borrego Springs aquifer. Commissioner Day questions whether the current rate of 10,000 acre-feet per year of draw-down from the aquifer remains accurate. He's informed by Staff that the figure has increased to 14,300 acre feet per year and, at this rate, the aquifer's resources won't last the predicted 100 years. Staff further explains that though the State of California mandates that projects not increase usage above what was approved in 1993, aquifers do not fall under this mandate.

**SP 04-004, TM 5373RPL<sup>4</sup>**  
**P04-023, Agenda Item 1:**

The Planning Commissioners have consistently expressed great concern about the development impacts on Borrego Springs' aquifer, and point out that both the proposed density of this project and the County's General Plan will result in population increases that accelerate usage of the aquifer's resources. Staff acknowledges this is correct, and informs the Commission that solutions such as requiring developers to seek out farm land to fallow (thus removing it from production) are being investigated. Methods such as this would eliminate the possibility of impacting the aquifer by more than 14,000 acre-feet per year.

Commissioner Beck points out that water salinity will increase in 20 years, as will the water table and development. Staff acknowledges that all of these statements are correct. Staff also acknowledges that many projects in Borrego Springs have been approved but are not yet built. Commissioner Woods recommends development of a policy requiring that project proposals result in no net loss of the aquifer's resources. Commissioner Kreitzer concurs, reminding those in attendance that the quality of the water will render it unusable in a very short time. Many of the Commissioners recollect the Board of Supervisors decision several years ago that the water table in this community is to be addressed by the Borrego Water District; however, the Commissioners believe it is quite irresponsible to continue allowing development in this community, knowing that its residents will have to rely on imported water in the very near future.

The applicant's representative explains that the Planning Commission's concerns are being dealt with in many ways: the proposal is low impact and won't tax the existing infrastructure; the applicant is required to contribute funds towards the construction and maintenance of a local fire station; the proposed landscaping has been redesigned to reduce water usage by 52%; the project site has been annexed to the Borrego Water District; mitigation has been increased to a ratio of 2:1; and the amount of open space to be provided has been increased. All of these provisions will greatly benefit the community.

**Action:** Day – Woods

Recommend that the Board of Supervisors approve Specific Plan SP 04-004, Tentative Map (TM) 5373RPL<sup>4</sup>.

Ayes:	7 -	Beck, Brooks, Day, Kreitzer, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	0 -	None

**R06-012 and S06-036, Agenda Item 2:**

**2. Casa De Verde, Zone Reclassification R06-012 and Site Plan S06-036, Lakeside Community Plan Area**

Requested Zone Reclassification and Site Plan to authorize a construction of a 13-unit residential apartment complex located at 1121 North Greenfield Drive. The Zone Reclassification would change the zoning for the 0.44-acre parcel from C36 General Commercial to C34 General Commercial/Residential Use Regulations, to allow for family residential development as a primary use. The property is currently zoned to allow a density of 4 units per acre and the Zone Reclassification would increase the density to 30 units per acre. The subject property is designated (13) General Commercial.

**Staff Presentation:** Beddow (for Peck)

**Proponents:** 1; **Opponents:** 0

This Item is recommended for approval on consent.

**Action:** Brooks - Day

Recommend that the Board of Supervisors:

Adopt the Form of Ordinance changing the zoning classification of certain property in the Lakeside/Pepper Drive-Bostonia Community Planning, Ref. R06-012; and

Approve Site Plan S06-036, and make the appropriate Findings, requirements and conditions necessary to ensure that the project is implemented in a manner consistent with the Zoning Ordinance and State law.

Ayes:	7 -	Beck, Brooks, Day, Kreitzer, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	0 -	None

**POD 08-008, Agenda Item 3:**

**3. Board of Supervisors Policy I-63: POD 08-008, County-Wide (continued from April 18, 2008)**

Proposed revisions to Board Policy I-63, General Plan Amendment and Zoning Guidelines. Board Policy I-63 sets procedures requiring property owners or other interested persons to present Private requests to initiate General Plan Amendments. This is referred to a Plan Amendment Authorization or "PAA". The proposed revisions of Board Policy I-63 would incorporate time limits as to when initiated PAAs expire and when appeals must be filed. The revisions also address the expiration date of already initiated PAAs.

**Staff Presentation:** Farace

**Proponents:** 0; **Opponents:** 1

**Discussion:**

On April 18, 2008, the PC continued consideration of this Item to allow Staff to return with the details on how many Plan Amendment Authorization (PAA) requests have been filed and their status. Staff was also directed to return today with information on how PAAs are currently processed versus how they will be processed after the General Plan Update is adopted. Staff informs the Commission that since 1998, 103 PAAs have been filed. Of those, 82 have been initiated (five of which have never filed General Plan Amendment applications). Fourteen of the 82 PAAs were withdrawn; seven applications were denied, and only one of those denials was appealed. Records indicate that five General Plan Amendment applications were filed after initiation of those PAAs.

Staff also informs the Planning Commission that since their April 18, 2008 meeting, letters have been sent to all applicants who have not filed GPAs or who's GPAs have not been initiated, informing them that revisions to Board of Supervisors Policy I-63 are being proposed.

**Action:** Woods - Kreitzer

Recommend that the Board of Supervisors adopt Staff's proposed revisions to Policy I-63.

SP 04-004, TM 5373RPL<sup>4</sup>  
P04-023, Agenda Item 1:

**Discussion of the Action:**

Commissioner Day announces that he will not support the Motion because, as he has stated several times in the past, he remains concerned about impacts of Policy I-63 and the PAA process on the County's General Plan.

Ayes:	5 -	Beck, Brooks, Kreitzer, Riess, Woods
Noes:	2 -	Day, Pallinger
Abstain:	0 -	None
Absent:	0 -	None

**General Plan Update, Agenda Item 4:**

**4. Progress Report on the General Plan Update**

**Staff will provide a report on the progress made with respect to the General Plan Update. Staff will also discuss major issues associated with the proposed Update that have been identified during the past several months.**

**Staff Presentation:** Muto

**Proponents:** 0; **Opponents:** 1

**Discussion:**

Staff informs the Planning Commission that since September 2007 a Project Manager has been assigned to the Update and a planning and environmental consultant has been contracted. Many workshops have been conducted with the various advisory group members and Planning/Sponsor Group representatives, and a work plan and schedule (to be provided to the Planning Commission) have been developed with the goal of completing the Update in late 2010. Land Use Map alternatives for the EIR have been prepared, and Staff continues to work on the draft Regional Elements.

One of the issues currently being addressed is the proposed Conservation Subdivision Program. Staff believes this Program will facilitate the clustering of residential development, which will help preserve open space and natural resources. Development of equity mechanisms such as purchase and/or transfer of development rights are also concepts that have been included in the Update for a number of years.

Community Plans and Zoning Ordinance updates are also needed but Staff believes it is best to focus on the Elements of the General Plan and the mandatory Sections required by State law. Staff will ensure that each of the Community Plans is consistent with the General Plan, and will update zoning regulations, codes and Policies either concurrently with the General Plan or shortly after its completion. Staff is reminded by Commissioner Woods that the Planning and Sponsor Group representatives must be made aware of Staff's endeavors to update the various Community Plans to ensure conformity with the County's General Plan.

Concerns are discussed by community residents and the Planning Commissioners regarding properties within the Forest Conservation Initiative (FCI), scheduled to expire in 2010, and the General Plan Update's impact on those lands. Staff believes the Update will be adopted prior to the FCI's sunset date and is

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conducting a parallel planning process for both. The EIR for the Update will include a cumulative impact analysis of remapping the FCI lands. Commissioner Day advises Staff to resolve issues pertaining to the properties within the FCI now, in fairness to the property owners.

Staff is considering a more resource-driven approach for the Conservation Subdivision alternative proposal. Instead of simply mandating clustered development or open space preservation, Staff will determine whether clustering is necessary by reviewing the resources on property proposed for development. The Planning Commission is reminded that many of the County's current regulations require avoidance or reduction of impacts to environmental resources, and require that developments be designed for better defense and protection during wild fires. Staff believes those regulations compel developers to design subdivisions in a more sensitive manner, and resolving issues such as lot size, lot design, etc., improves the possibility of increased conservation subdivision design. Staff is reviewing the County's existing tools (i.e., Planned Residential Developments, lot-area averaging, etc.), to ensure that project proposals are sensitive to the land, its resources, and the character of the communities, and to make them easier to use and more effective in achieving the goals of the Conservation Subdivision Program. Staff reminds the Commission that DPLU's regulations and policies apply to all development proposals. Developers will be required to meet the requirements of the Conservation Subdivision Program, with the option of either clustering development to meet those regulations or reducing the number of proposed lots to meet them. Applicants will still be required to mitigate for onsite impacts, meet open space requirements, and ensure that any preserved open space is part of a preserve design. Staff's goal is to implement regulations and guidance that provides clear directions to developers as to what will be acceptable.

Commissioner Beck remains somewhat concerned. He believes the previously proposed Conservation Subdivision Program addressed all of the issues that have become relevant today, particularly with respect to resource protection and wildfires, whereas the newly proposed Program appears to be more of a project-by-project debate between Staff and the applicants. Staff insists that the previously proposed Program was flawed. Commissioner Woods believes Staff's proposal is a good one, particularly in that it's voluntary (given certain restrictions such as slopes, grasslands, wetlands, etc.).

Commissioner Beck believes the concept of actually changing the land use pattern, not just for conservation but also to address wildfire issues, is a much more progressive approach to development. Though there is greater awareness of energy-related costs and impacts, what must also be taken into consideration is the State mandate related to General Plan Updates that requires counties to reduce carbon footprints.



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Chairman Riess notes that Staff proposes removing density bonus allowances. Staff explains that the previously proposed Conservation Subdivision Program allowed reductions in density on properties containing slopes, floodplains, wetlands or other constraints, and allowed density incentives if clustering was proposed because of those constraints. Staff believes that the County's current regulations are overly restrictive, and only allow a reduction down to 50% of the minimum lot size. The requirements to be met in achieving that reduction don't compel developers to consider clustering as an option.

Commissioner Day agrees that environmental resources must be protected, but he believes Staff's proposal exacts even more from property owners than is currently required. Commissioner Day also remains greatly concerned about Board of Supervisors Policy I-63. He's certain many applicants are in a "holding pattern" with respect to their PAAs due to the uncertainty of the County's General Plan. Staff explains that privately-initiated General Plan Amendments will still be allowed, but they wouldn't garner much support from the Department if the proposals are not compatible with the goals of the draft Land Use Map. Commissioner Day points out that past Amendment proposals were always required to be consistent with either the existing or the proposed Land Use Map. Reviewing Amendment applications for consistency with only the proposed draft Map implies that Staff has pre-determined what the General Plan will be.

Commissioner Day refers back to Staff's statements that zoning regulations won't be updated concurrently with the General Plan Update. He notes that this will result in the zoning regulations being inconsistent with the General Plan immediately after the Plan is adopted. Commissioner Day also states the proposed Land Use Map alternatives are not greatly different from what was previously proposed, and reminds Staff that alternate proposals must accomplish established goals. In addition, Commissioner Day reiterates that zoning for properties within the FCI must be resolved during the General Plan Update.

**Guidelines for Groundwater  
Dependent Habitat, Agenda Item 5:**

**5. County Biological Guidelines Pertaining to Groundwater Dependent Habitat**

**Report on how DPLU regulates discretionary permits proposing to use groundwater in areas with groundwater dependent habitat. This report will also include a discussion on how the Groundwater Dependent Habitat Guidelines (contained within the County Guidelines for Determining Significance – Biological Resources) are practically applied to proposed discretionary permits.**

**Staff Presentation:** Bennett

**Proponents:** 0; **Opponents:** 0

**Discussion:**

This report was requested by the Planning Commission in March 2008. Staff provides information on (1) the rationale and application of the County's Guidelines for Determining Significance of Biological Resources; (2) proposed revisions to clarify the Groundwater-Dependent Habitat Guidelines; and (3) the impacts of potential revisions to the Groundwater-Dependent Guidelines on future development.

Staff explains that the maximum allowable groundwater usage for a typical project is based on the project not reducing the water table three feet or more below historic groundwater conditions at the edge of onsite habitat. That threshold was chosen because groundwater-dependent habitat begins to exhibit water stress when levels fall below three feet. Staff reminds the Commission that "three feet below historic levels" is not a hard and fast rule and is not applied to all projects; the threshold also depends on site-specific circumstances such as vegetation, climatic conditions, and surface and groundwater conditions.

The majority of the riparian corridors within San Diego County are located in the foothills and mountains west of the desert. Approximately 75% of the unincorporated areas in this County are underlain by fractured crystalline rock aquifers with very limited groundwater in storage, and the County's groundwater-dependent riparian corridors are often underlain by a layer of sandy alluvial soil along washes, creeks and river valleys. Groundwater fluctuations are greatest in fractured rock wells and least in alluvial areas.

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When initially reviewing project proposals, well testing is performed at the project site and a five-year evaluation of pumping is used to determine whether a reduction of three feet or more is predicted to occur at the edge of onsite habitat. That estimation conservatively assumes that no recharge occurs within the five-year period, similar to an extended drought. After reviewing the Department's Groundwater-Dependent Habitat Guidelines, Staff believes the revisions outlined below are needed for clarification:

1. Determining whether the groundwater-dependent habitat is healthy and not showing stress from groundwater pumping must be a pre-requisite;
2. A more conservative application of the Guidelines is necessary in areas that receive lower rainfall and little groundwater recharge; and
3. Ongoing plant recruitment and establishment is a very important and necessary component of the long-term viability of groundwater-dependent habitat.

These issues will be presented to the County's biological and technical committees for consideration. In areas where excessive groundwater draw-down has already resulted in stressed habitat, groundwater dependent development could potentially be limited or even prohibited. The proposed revisions, when available, will be provided to the Planning Commission.

Overall, Staff believes the Guidelines, which are based on studies conducted on plants that developed shallow root systems because of very stable water tables, are proactive and appropriate. The foothills and mountainous regions of this County have a dynamic groundwater system that has recorded groundwater fluctuations far greater than three feet in a single year without adverse impacts to habitat. Most public agencies are doing very little to address this issue, but much support and enthusiasm has been expressed for the Guidelines the County of San Diego has developed.

**Action:** Pallinger - Kreitzer

Accept Staff's report.

Ayes:	5 -	Beck, Brooks, Kreitzer, Pallinger, Riess
Noes:	0 -	None
Abstain:	0 -	None
Absent:	2 -	Day, Woods

**Legal Developments**

**Quarterly Report, Agenda Item 6:**

**6. County Counsel's Quarterly Report**

County Counsel's quarterly report to the Commission on legal developments in land use and planning, covering the period from January 1, 2008 through March 31, 2008.

**Staff Presentation:** Anzures for Taylor

**Proponents:** 0; **Opponents:** 0

**Discussion:**

Counsel provides a brief written and oral report on events and legal developments in land use planning during the first quarter of 2008.

**Administrative:****G. Director's Report:**

- **Covert Canyon Status Report (Elias/Ramaiya)**

Code Enforcement Staff provides a report to the Commission, as requested on May 2, 2008 in response to allegations raised regarding zoning violations that include unapproved grading and operation of an unpermitted target range in Covert Canyon, property located in the Alpine Community Plan Area. A Cease and Desist Order was issued to the property owner in May 2007, following Staff's determination that an outdoor participant sports and recreation facility was operating onsite without the required Permits. At that time, it was determined that the applicant is legally allowed to shoot firearms on his property for personal recreation.

In December 2007, a citation was issued to the property owner when Staff personally observed activities onsite that were violations of the Zoning Ordinance. Staff witnessed a number of individuals participating in target practice and wearing clothing identifying them as members of government law enforcement agencies. In April 2008, Staff met with community residents who reside approximately 1.5 miles from the property in question in an effort to discuss their concerns regarding shooting activity and helicopters which, they believed, were related to the Covert Canyon operation. These property owners described their experiences as hearing occasional popping noises in the distance. They acknowledged that they had never seen helicopters land on the property. Staff was unable to confirm that the gunfire originated from Covert Canyon, but did confirm that the helicopters belong to the Border Patrol.

When questioned about references to an outdoor shooting range on his website, the property owner indicated that the range is operated on another property in the Miramar area. He stated he would remove that reference to eliminate any confusion. Staff continues to investigate any reports of gunfire emanating from the property, and to make unannounced weekly visits to the site, however, no evidence has been found to support the allegations that activities related to an outdoor participation sports and recreation facility is taking place.

The property owner's representatives inform the Commission that the Major Use Permit application process has been initiated and the property owner is now responding to Staff's scoping letter, as well as conducting the surveys, studies and reports requested by Staff.

**Administrative:**

**H. Report on actions of Planning Commission's Subcommittees:**

None.

**I. Designation of member to represent the Planning Commission at Board of Supervisors meeting(s):**

No one is designated to attend the June 18, 2008 Board of Supervisors meeting.

**J. Discussion of correspondence received by the Planning Commission:**

None.

**K. Scheduled Meetings:**

June 13, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room
June 27, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room
July 11, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room
July 25, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 8, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 22, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room
September 5, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room
September 19, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 3, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 17, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 31, 2008	Planning Commission Workshop, 9:00 a.m., DPLU Hearing Room
November 7, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room
November 21, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 5, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room

**Administrative:**

There being no further business to be considered at this time, the Chairman adjourned the meeting at 12:10 p.m. to 9:00 a.m. on June 13, 2008 in the DPLU Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California.